

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JON ALI KUNDAK,

Plaintiff,

v.

**MICHAEL CHERTOFF, Secretary of
the Department of Homeland Security,**

Defendant.

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CIVIL ACTION NO.

SA-05-CV-0709 RF

ORDER AWARDING ATTORNEY'S FEES

The matter before the Court is the Declaration in Support of Defendant's Request for Costs and Attorney's Fees (Docket entry 30). By Order of June 20, 2006 I granted defendant's motion to compel and awarded attorney's fees to defendant pursuant to Federal Rule of Civil Procedure 37(a)(4) in an amount to be determined upon submission of an appropriate affidavit of fees and expenses within 15 days. Defendant filed his declaration on June 27. Plaintiff has failed to respond to the declaration and the time for responding has passed.

I have reviewed the declaration and find that the hours incurred (12.50 total) and hourly fee (\$175.00) are reasonable, as are the costs claimed (\$16.50).

Accordingly, it is ORDERED that defendant is awarded fees totaling \$2,187.50 and costs of \$16.50, consistent with my Order of June 20, 2006, to be paid by plaintiff to defendant within 14 days of date of this Order.

SIGNED on July 13, 2006.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE